

ELIGIBILITY FOR INTERSCHOLASTIC

ATHLETICS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Ann W. Hardy

LONG TITLE

General Description:

This bill provides residency eligibility requirements for participation in high school interscholastic athletic activities.

Highlighted Provisions:

This bill:

- ▶ requires a high school student, beginning on January 1, 2005, to lose eligibility for participation in interscholastic athletic activities for 12 months if the student attends a high school outside of school boundaries; and
- ▶ provides exceptions for specified circumstances or exceptional circumstances.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-2-208, as repealed and reenacted by Chapter 119, Laws of Utah 1993

ENACTS:

53A-2-214, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:



Section 1. Section **53A-2-208** is amended to read:

53A-2-208. Rules for acceptance and rejection of applications.

(1) A local school board shall adopt rules governing acceptance and rejection of applications required under Section 53A-2-207.

(2) Standards may include:

(a) the capacity of the program, class, grade level, or school building;

(b) maintenance of heterogeneous student populations if necessary to avoid violation of constitutional or statutory rights of students;

(c) not offering a program the student requires; and

(d) willingness of prospective students to comply with district policies.

(3) (a) Standards may not include previous academic achievement, athletic or other extracurricular ability, the fact that the student requires special education services for which space is available, proficiency in the English language, or previous disciplinary proceedings, except as provided in Subsection (3)(b).

(b) A board may provide for the denial of applications from students who have committed serious infractions of the law or school rules, including rules of the district in which enrollment is sought, or have been guilty of chronic misbehavior which would, if it were to continue after the student was admitted, endanger persons, or property, cause serious disruptions in the school, or place unreasonable burdens on school staff.

(c) A board may also provide for provisional enrollment of students with prior behavior problems, establishing conditions under which enrollment of a nonresident student would be permitted or continued.

~~[(4) The State Board of Education, in consultation with the Utah High School Activities Association, shall establish policies regarding nonresident student participation in interscholastic competition.]~~

Section 2. Section **53A-2-214** is enacted to read:

53A-2-214. Residency requirements for interscholastic athletics.

(1) The State Board of Education, in consultation with the Utah High School Activities Association, shall establish policies regarding nonresident student participation in interscholastic competition.

(2) The policies under Subsection (1) shall provide, beginning on January 1, 2005, that

59 a student who attends a high school outside of that student's school boundaries shall lose
60 eligibility for participation in interscholastic athletic activities for 12 consecutive months
61 during the student's 10th, 11th, or 12th grade years unless the attendance:

62 (a) results from a change of residence as defined under Section 53A-2-201;

63 (b) is required by the local school board;

64 (c) is pursuant to a judicial order;

65 (d) occurs under a special group block permit established by one or more school
66 districts; or

67 (e) is granted an exception, based upon exceptional circumstances and undue hardship,
68 by the Utah High School Activities Association or its designated committee in accordance with
69 rules adopted by the State Board of Education.

70 (3) Unless covered by an exception under Subsections (2)(a) through (e), the loss of
71 eligibility under Subsection (2) shall apply even if the student obtains a boundary waiver before
72 the student enters high school or initially begins high school outside of that student's high
73 school boundary.

Legislative Review Note

as of 1-19-04 10:10 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

State Impact

Provisions of this bill may be handled within existing state fund allocations.

Individual and Business Impact

The Utah High School Activities Association may see a rise in student appeal requests, although the provisions outlined in this bill may not exceed the restrictions outlined in Article I Section 8 of the association's By Laws. It is anticipated that the association would cover the costs of any additional appeals through its own revenue generating processes should they materialize.

Office of the Legislative Fiscal Analyst